

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CYNTHIA BAUMGARTNER,

Plaintiff,

v.

STATE FARM AUTOMOBILE
INSURANCE COMPANY, GEICO
AUTOMOBILE INSURANCE COMPANY,
AND LINDA FRIAS AND JOHN DOE
FRIAS,

Defendants.

CASE NO. 2:21-cv-01697-JHC

ORDER

This matter comes before the Court on Defendant Geico Automobile Insurance Company's Motion to Dismiss Pursuant to FRCP 12(b)(6). Dkt. # 27. The Court has considered the materials submitted in support of, and in opposition to, the motion, and the case file.

Plaintiff alleges that Defendant Linda Frias injured her in a motor vehicle accident. Yet Plaintiff also named Frias's insurer, Geico, as a defendant. Dkt. # 20. She has asserted claims against Geico for violations of the Consumer Protection Act and the Insurance Fair Conduct Act. *Id.* The Court does not see how Plaintiff has a cognizable legal claim against Geico. *See* Dkt. # 27. Plaintiff is not Geico's insured.

1 In light of the foregoing, the Court GRANTS the motion in part and DISMISSES
2 Plaintiff's claims against Geico without prejudice. The Court GRANTS Plaintiff leave until
3 Thursday, November 10, 2022, to file a second amended complaint that amends claims against
4 Geico. In the interest of avoiding a futile amendment, the Court suggests that, before deciding to
5 file such an amended pleading, Plaintiff carefully review the legal arguments raised in Geico's
6 motion to dismiss. The Court further suggests that Plaintiff analyze whether she has
7 constitutional standing to sue Geico, and thus, whether this Court has subject matter jurisdiction
8 over the claims at issue.

9 DATED this 1st day of November, 2022.

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12 John H. Chun
13 United States District Judge
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